



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/990,688

11/09/2001

Shmuel Shaffer

062891.0629

2955

5073

7590

02/02/2004

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER

NGUYEN, QUYNH H

ART UNIT

PAPER NUMBER

2642

DATE MAILED: 02/02/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,688

Applicant(s)

SHAFFER ET AL.

Examiner

Quynh H Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 6,125,178) in view of Horn (U.S. Patent 6,178,237).

Regarding claims 1, 9, 11, 13, 14, 16, and 33, Walker et al. teach establishing a first call between a first endpoint and a second endpoint (Fig. 7, 100); detecting that the first call was placed on hold by the second point (Fig. 7, 106); establishing a second call between the first endpoint and a third endpoint (caller participate in a "chat room" or browse other calls in progress) after detecting that the first call was placed on hold.

Walker et al. do not teach mixing a first incoming media from the first call with a second incoming media stream from the second call for presentation to user of the first point.

Horn teaches mixing audio signals received from terminals 101-103 and telephone sets 104-106 for transmission to participants of an audio teleconference (col. 2, lines 40-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of mixing audio signals for transmission

Art Unit: 2642

to participants of an audio teleconference, as taught by Horn, in Walker's system in order to allow user to have control over incoming media stream and outgoing media stream.

Regarding claims 2, 15, 22, and 29, Horn teaches a participant adjusts the incoming audio volume from a person whose image is over the talk button (col. 7, lines 22-39). However, Walker and Horn do not teach generating a mixed media stream that includes a first percentage of the first incoming media stream and a second percentage of the second incoming media stream. It would have been obvious to one of ordinary skill in the art that when the participant adjusts the audio volume that would change the percentage of the media stream; and one would modify Horn's system to include a first percentage of the first incoming media stream and a second percentage of the second incoming media stream.

Regarding claims 3, 17, and 30, Walker et al. teach an operator would be able to mute or lock out any listeners (col. 6, lines 36-37).

Regarding claims 4, 18, 23, and 31, Walker et al. teach detecting that the first call has been removed from on hold by the second endpoint and communicating the outbound media stream in the first call (col. 2, lines 45-47 and col. 3, lines 33-39).

Regarding claims 5, 19, 24, and 32, Walker et al. teach the caller whose call has been placed on hold participates in a "chat room" reads on claim limitation "transfer the outbound media steam from the first call to the second call; and it would have been obvious that once the caller is involved in the second call, the outbound media stream in the first call is muted.

Regarding claims 6-8, 25, and 26, Walker et al. do not teach receiving a signal and notification from a remote user from the second endpoint indicating that the first call was placed on hold. It would have been obvious to one of ordinary skill in the art at the time the invention was made that the feature of notifying the user that his/her call is placed on hold is well known and the advantage of using it is also well known.

Regarding claims 10, 20 and 27, Walker et al. teach the user indicating a desire to place or receive the second call (col. 6, lines 10-16).

Claim 12 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker et al. teach the call manager ("the call handling system" - see Abstract).

Claim 20 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker et al. teach a network interface (Fig. 2 and 3); a transmit and receive circuits (Fig. 2, 40 and Fig. 3, 66); and a control circuit (Fig. 2, 22 and Fig. 3, 52).

Claim 28 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Walker et al. teach logic encoded in media for managing incoming and outgoing calls at an endpoint placed on hold (program codes in ACD 12 and CPUs - col. 3, lines 51 and 65).

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

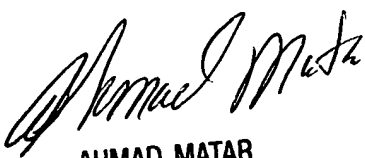
Art Unit: 2642

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen
January 22, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600